

BLAME SULZER FOR ABSENCE OF WITNESS

Counsel for Accusers Say F. L. Colwell Fled After Being Subpoenaed.

KNOW OF WALL ST. PLUNGE

Dr. Broder Charges "State Executive" Made Pre-election Promise to Name Him Health Commissioner.

Frederick L. Colwell, who is believed to know all the facts regarding Governor Sulzer's plunges in Wall Street, cannot be found by subpoena servers for the Assembly board of managers for the impeachment of Sulzer. Counsel for the managers, headed by ex-Judge Alton B. Parker, announced last night they had information which led them to believe Governor Sulzer was responsible for Colwell's disappearance.

The counsel declare that since Colwell was served with a subpoena, on August 8, to show cause why he should not be punished for contempt in refusing to give testimony before the Frawley committee, he has hidden himself, and that a search, including visits to Canada and to the Pacific Coast, has failed to reveal his whereabouts.

The statement of counsel with regard to Colwell's disappearance in part follows:

"It will be recalled that the testimony before the Frawley committee would indicate that Colwell was the man who bought 200 shares of stock from the brokerage house of Beyer, Griswold & Co., with eight checks which had been given to the Governor as campaign contributions and with a personal check of the Governor for \$200 and currency amounting to \$7,125.

"Information in the possession of the counsel to the managers would indicate that Colwell is absenting himself from the jurisdiction of the court in this state at the direct instigation of the Governor for the purpose of avoiding testifying against the Governor.

"It is known that on the very day that Colwell was to appear before the Frawley committee he was in communication by long distance telephone with the Governor, and following his talk with the Governor it is known that he asked those at his home, in Yonkers, to have his bags packed and to meet him at a northbound train at the Yonkers station, which was done.

"Counsel to the managers are anxious to locate Mr. Colwell. There are a number of pertinent questions about his relations with the Governor which the managers would like to put to Mr. Colwell. He can shed much light upon these transactions. This is well known to Governor Sulzer. Where is Colwell? Will Governor Sulzer aid in accomplishing his return?"

Assemblyman Aaron J. Levy, chairman of the board of managers, who said a certain lawyer visited him on Saturday and asked him if the impeachment proceedings would be dropped if Sulzer resigned, wrote a letter to D. Cady Herrick, counsel for Sulzer, yesterday. Mr. Herrick had said that Levy had either been duped or was lying, and demanded that Levy make the name of his visitor public.

In his letter to Mr. Herrick, Levy said: "You know me long and well enough to know that I do not falsify," and then he told in detail of his unsuccessful efforts to get the mysterious visitor to release him from the pledge of confidence imposed upon him.

Isidor Kresel, of counsel to the board of managers, last night gave out a statement of Dr. Julius Broder, who organized the Jewish Citizens' Sulzer League last fall.

The statement, containing three thousand words, told of how Sulzer, according to Broder, made a pre-election promise to make Broder State Health Commissioner in return for the East Side physician's electioneering. Broder mournfully tells how he spent about \$500 or \$550 of his own money on the strength of the alleged promise, and how Sulzer failed to appoint him to the post of State Commissioner to the Pure Milk Congress. The reason Broder wasn't satisfied with this job was because it did not pay any salary and lasted only five days.

Broder then recites how as a result of his milk congress experience he had a bill drafted to create a milk commission, and how Governor Sulzer told him he would be the milk commissioner when the bill became a law. The bill died in the committee.

Copies of four letters from Sulzer to Broder were attached to the statement. These letters did not back up Broder's story. They contained such expressions as "Thanks for your letter" and "hoping to see you soon. I am, your sincere friend."

Hugh J. Reilly, the holder of many concessions in Cuba, and an old acquaintance of Governor Sulzer, was a witness at a private session of the board of managers yesterday. He was asked for information as to what he knew of Sulzer's alleged interests in Cuban contracts while Sulzer was in Congress. He will be a witness again to-day.

LEVY SUBPOENAS MURPHY

Rensselaer Leader and Friend of Sulzer Says He Will Testify.

Troy, N. Y., Sept. 15.—Joseph J. Murphy, of this city, leader of the Rensselaer County Democracy and son of the late United States Senator Edward Murphy, Jr., was served with a subpoena to-day directing him to appear before the Assembly board of managers, which is in charge of the Sulzer impeachment proceedings.

NOTICE! REPUBLICANS

Are Urged to Attend the PRIMARIES This Afternoon and Evening and VOTE and Work For

WILLIAM R. WILLCOX

By Writing Wm. R. Willcox
Opposite the name of John Purroy Mitchel and
Thereby Prevent Mitchel's Nomination.

ANTI-MITCHEL COMMITTEE

HENNESSY SUEB BY MACK SAYS "I'LL PROVE IT ALL"

Sulzer Investigator Replies to \$5,000 Libel Action by Re- iterating His Charges.

"KNOW MEN BLACKMAILED"

Appeal May Be Taken Up Prior to Sulzer Trial.

[By Telegraph to the Tribune.]
Saratoga, N. Y., Sept. 15.—The matter of the appeal from the decision of Justice Haebrouck, of Kingston, in the Robin case, did not come up for review to-day before the Appellate Division of the Supreme Court, in session here, as was expected. It had been said that friends of William Sulzer would be able to bring the appeal before the judges to-day. But Corporation Counsel Archibald R. Watson, of New York, would not consent to the appeal, and it is said that the Attorney General was "not ready."

It is understood that the judges of the Appellate Division had given their consent to the argument of the appeal, and had the counsel for Robin, the Attorney General and the New York City attorneys reached an agreement the appeal would have been taken up when court convened to-day.

It is intimated to-night that the attorneys may yet reach an agreement whereby argument may be held on the matter before the beginning of the impeachment proceedings in Albany on Thursday. In that case it is said that the matter will be argued on Wednesday.

M'LEAN DEFIES HENNESSY

Says "Former Republican" Has No Right to Subpoena Him.

Newburgh, N. Y., Sept. 15.—Arthur A. McLean, treasurer of the Democratic State Committee, gave out a statement to-night explaining his failure to obey a subpoena to appear before Governor Sulzer's investigator, John A. Hennessy, with all records of the committee which have to do with the Democratic campaigns in this state for three years back.

"I am not a state officer, and I have been advised that it is not necessary for me to go to Albany," he says. "If Mr. Hennessy had authority to act for the Governor before his impeachment he certainly has no authority now, as his commission as agent for the Governor lapsed automatically after the impeachment."

Mr. McLean adds that he "labored honestly, legally and legitimately" to help elect Mr. Sulzer, and he regards it as "humiliating in view of this service" to be thus summoned by "a pretended agent of Mr. Sulzer and a former bitter Republican partisan" to tell of his and his associates' efforts on behalf of the party.

TAKES WILSON TO TASK

Katzenbach Criticizes White House Interference in Jer- sey Primaries.

Declaring that he was just as good a progressive as President Wilson, Frank S. Katzenbach, the anti-Wilson candidate for the Democratic nomination for Governor of New Jersey, criticized the President for his "interference" in the primary contest, before an audience of about 200 persons in Jersey City last night.

Mr. Katzenbach asserted that he wasn't the candidate of any leader or boss, but was simply appealing to the rank and file.

In doing so, Mr. Katzenbach said he was carrying out the intent of the primary law, which the President had violated when he persuaded ex-Mayor Wittman to withdraw from the contest. He read part of a speech the President had delivered in Newark last May, when he came back to New Jersey to speak for jury reform, and declared that when the President made that speech he knew there were going to be three candidates in the contest.

In his speech the President said that the selection of candidates should be in the open by the people themselves.

"I am just as good a progressive as President Wilson," Mr. Katzenbach declared. "Six years ago when I was the candidate of my party for Governor I ran the platform on which I ran, and at that platform we pledged to enact every bit of the progressive legislation which got to the statute books during Mr. Wilson's administration as Governor."

SWISS RIFLE TEAM DINE

World's Champion Marksmen Enter- tained by Compatriots Here.

The Swiss Club of New York held a dinner at the Café Boulevard last night for the Swiss rifle team, which recently won the International championship at Camp Perry. There were 250 persons present at the dinner.

Henry Eschet, vice-consul, presided, and Paul Junod, the Swiss Consul General, made the principal address. This is the sixteenth time that the Swiss team has won the championship, although only seventeen competitive meets have been held.

The captain of the team, Hugo Neubauer, said that although it was customary to have the silver cup at the range where the championship shoot was to be decided, they had left the trophy at home. This was done, he said, because he was confident that his team would only have the trouble of carrying it back with them. They said to-day on the Kaiser Wilhelm der Grosse.

Besides Captain Neubauer the team includes Conrad Stahel, Casper Widmer, Mathis Brunner, Jean Rodel, Hermann Koutzler, Ernst Uehli, Robert Bucher and Ernst Stumpf.

HENNESSY SUEB BY MACK SAYS "I'LL PROVE IT ALL"

Sulzer Investigator Replies to \$5,000 Libel Action by Re- iterating His Charges.

"KNOW MEN BLACKMAILED"

Believes Now Sum Collected by Former Democratic Chairman and Not Reported Is Nearer \$300,000—Raps McLean.

Albany, Sept. 15.—Norman E. Mack, former chairman of the Democratic National and State committees, failed to appear to-day before John A. Hennessy, Governor Sulzer's special investigator, to answer charges of having failed to account for money contributed to him in the governorship campaign of 1910. Instead, Mr. Mack, through his secretary, James W. Reilly, served Mr. Hennessy with a summons and complaint in a \$5,000 action for libel. Mr. Reilly said that Mr. Hennessy would have twenty days to make his answer and that the action would be tried in Buffalo.

Mr. Mack complains that Hennessy has caused to be published "charges in effect that the plaintiff unlawfully appropriated to his own use moneys contributed by others as a campaign fund toward the election of John A. Dix as Governor of the State of New York, and said publication also charges in effect that the plaintiff blackmailed individuals and corporations in connection with the collection of campaign funds."

Following the publication of Mr. Hennessy's charges Mr. Mack announced his willingness to appear before the investigator at any time and place he might designate. Mr. Hennessy then fixed the hearing at Albany at 10 o'clock this morning. After waiting with stenographers for half an hour at the appointed time and place, Mr. Hennessy announced that as neither Mack nor Arthur A. McLean, of Newburgh, treasurer of the Democratic State Committee, had appeared before the session stood adjourned, and he would make a statement later in the day.

He added that Mr. McLean had been served with a subpoena and had accepted the usual fee in that connection, also that Mr. Mack had specifically agreed to be present promptly at the appointed time.

Mr. Hennessy had hardly left the hearing chamber when Mr. Reilly appeared, explaining that a delayed train was responsible for his failure to appear promptly. Together with these papers Mr. Reilly delivered a letter from Mr. Mack's counsel, Daniel P. Kenefick, former Supreme Court Justice, giving the reasons for Mr. Mack's non-appearance. The letter says:

"After examination of your publications I advised Mr. Mack that they are libelous, and he has accepted your suggestion that he seek redress in the courts. The bearer of this letter will serve you with a summons and complaint in an action for libel in the Supreme Court. If you will file your answer speedily we can assure you a prompt trial of the action."

"Under my instructions, Mr. Mack will not appear before you, inasmuch as the law under which you exercise official powers confers no authority upon you whatever to conduct an examination of Mr. Mack, and your newspaper proclamations on the subject indicate that you are hardly fitted to conduct a fair and orderly investigation into these matters if you had the authority."

"The personal vilification contained in your publications requires that this matter be lifted from the low level of factional bitterness and that the disposition of the matter be entrusted to an impartial judicial tribunal."

Mr. Hennessy, in his statement to-day says he has personal knowledge that canal and highway contractors and others were blackmailed out of large sums.

"I said," the statement proceeds, "that \$250,000 had been collected through Mack that had never been reported. It is my belief now that the figure is nearer \$300,000."

"Mr. Mack, instead of coming, sent his secretary to serve me with a libel suit. In the letter explaining this suit he announces that under instructions from his counsel he will not appear before me. In his letter also he states that if I will answer the suit for libel they will guarantee me a speedy trial in the court. I will make a speedy answer. I predict that the case will never come to trial. Mack could not be dragged into the court even by his two home friends, 'Charley' Murphy and 'Boss' Fitzpatrick."

"I was ready to-day to ask him questions in relation to his operations in the years 1911 and 1912. I know the men who have been blackmailed, not only the large canal men and the road contractors, but others. Of course, I am rather itching to make public the evidence which I have collected, and I would have made public much of it to-day in the questions which I would have asked of Mack. I do not regard it as wise now to make public what I have, because I trust that Governor Sulzer will be able, when relieved of the impeachment resolution, to call an extraordinary session of the grand jury in Albany County, and there I will prove everything that I have said respecting Mack, Reilly, of Syracuse; Fowler, of Kingston, and McLean."

Concerning Mr. McLean, treasurer of the Democratic State Committee, who also failed to appear, the statement says: "McLean, of course, does not dare to come in any event. His case is for the first grand jury we can take it to."

Charges of the gravest nature respecting the alleged misuse of campaign funds are included in Mr. Hennessy's statement. The action brought by Mr. Mack, according to the complaint, deals only with alleged misappropriation of "moneys contributed by others as a campaign fund toward the election of John A. Dix as Governor of the State of New York." This was in 1910. Mr. Hennessy's statement to-day, however, is confined to alleged transactions of 1911 and 1912.

According to Mr. Reilly Mr. Mack had nothing whatever to do with state campaign funds in 1910. He was chairman of the state committee for a short period in 1911, following the resignation of Winfield A. Hoppin, and was chairman of the executive committee in 1912.

"Of course," said Mr. Reilly, "Mr. Mack seeks, only nominal damages, his sole purpose being to elicit in full the facts as they are through the medium of court proceedings."

MRS. MADEIRA SEEKS DIVORCE.

[By Telegraph to the Tribune.]
Philadelphia, Sept. 15.—A divorce suit against Percy C. Madeira, a clubman and prominent in Philadelphia society, was begun to-day in Common Pleas Court. His wife, Mrs. Elizabeth C. Madeira, has been suing him about a year. Friends of the Madeiras were not surprised when told that the divorce action had been filed.

GAYNOR MEN UNDER MITCHEL'S BANNER

Koenig in a brief speech said the luncheon had been arranged before the death of the Mayor and could not well be postponed. He thought, however, that out of respect for the memory of the Mayor it might be well to refrain from political discussion as much as possible.

Will Have Candidates in 435 Congress Districts.

[From The Tribune Bureau.]
Washington, Sept. 15.—Discriminating any desire to amalgamate with the Republican party, the Bull Moose members of the House met to-day and named a Progressive Congressional Campaign Committee, which is to launch immediately a movement to put Bull Moose candidates in the field in the 435 Congress districts in which election will be held next year. Following the conference Representative Murdock, of Kansas, outlined the campaign plan, saying:

"The Progressives in Congress have never favored or even thought seriously of amalgamation. There isn't anything to it, and we purpose to go ahead and wage a Progressive campaign in all the Congressional districts next year. There is nothing in amalgamation, so far as we are concerned. Our minds have long been made up on that point."

Representative Hinebaugh, of Illinois, was named chairman of the Progressive campaign committee. Mr. Hinebaugh expects to go to New York to-morrow for a talk with Colonel Roosevelt.

JENKS'S CANDIDACY URGED

Kings Democrats Want Him Named for Cullen's Place.

The Democratic State Committee will nominate candidates to succeed Chief Judge Cullen and Associate Justice Gray, of the Court of Appeals, on Thursday, October 2. It will be done at a special meeting called by Chairman Palmer for the Knickerbocker Hotel, in this city.

The Kings County organization says the candidate for Court of Appeals should come from there, as that is Judge Cullen's home. If that demand is met, the candidate will probably be Justice Almer F. Jenks, now sitting in the Appellate Division. William N. Dykman, of Brooklyn, also being talked of.

The candidate for associate justice will probably come from the center of the state if the other candidate comes from Brooklyn. Justice Frederick Collins, of Elmira, is said to have an excellent chance of nomination.

The Republicans will hold a special state convention to recommend candidates to the state committee for the state judicial nominations. It will be held on Tuesday, September 23. The state committee will meet immediately afterward to nominate the men recommended.

KLINE SILENT ON WALDO

Mayor Gets Conflicting Advice Regarding Police Head.

"Are you looking particularly into the Police Department?" Mayor Kline was asked as he left the City Hall yesterday afternoon after a long day at his desk.

"I am looking into all the departments," he replied.

"Are you studying conditions in the Police Department in the light of the Curran report with a view to taking some action thereon?"

"Not yet," was the significant reply.

It is known the Mayor is getting conflicting advice in regard to the advisability of replacing Police Commissioner Waldo. Some say he should remove Waldo in view of the findings of the Curran report. Others say it would be better to retain the Commissioner and put on him the burden of all the evils in the department, which could not be cured by a "Curran" report in the short time remaining before the expiration of the present administration.

Among the Mayor's callers yesterday was William N. Dykman, president of the Republican County Committee. Former Congressman Bennett came. It was said, in the interval of an office caller. He would not discuss his visit. Former Controller Metz was the last visitor. He lives in Mayor Kline's district and they were once associated in the 11th Regiment. The Mayor had him around Mr. Metz, who is running as the Tammany candidate for Controller, as they left the City Hall.

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Lack of Opposition to Regular Designees Causes Lack of Interest in Balloting.

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Not in a single instance have designees been placed on the ballots by petition in opposition to the regular designees of the various party committees. The primaries will therefore create little interest, except in the few cases where an attempt is to be made to defeat the regular designees by writing in other names.

There was considerable prospective interest in the movement started to have the name of William J. Gaynor written on the Republican ballots for Mayor in place of John Purroy Mitchel. This movement, however, died with his death, although some Republicans say they will write in the names of William R. Willcox and others by way of protest against Mr. Mitchel.

The effort of James A. Allen, the designee of the Independence League for Mayor, to have the names of certain candidates of Tammany Hall written on the ballot in place of fusion nominees designated by the organization committee, will attract some attention, however. John J. Hopper, chairman of the county committee, calls this an attempt to perjure the Independence League to aid Tammany Hall.

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WILSON TO BACK UP U. S. TRADE ABROAD

should use your personal and official influence and lend all proper coun- tenance to secure to reputable repre- sentatives of such concerns the same facilities for submitting proposals, en- tering bids or obtaining contracts as are enjoyed by any other foreign com- mercial enterprise in the country. It is not practicable to strictly define your duties in this connection, nor is it de- sirable that any instructions which may have been given should be too literally followed.

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